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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 20-cv-05640-YGR

**REPLY DECLARATION OF MARK A.
PERRY IN SUPPORT OF APPLE INC.'S
MOTION FOR STAY OF INJUNCTION
PENDING APPEAL**

The Honorable Yvonne Gonzalez Rogers

1 I, Mark A. Perry, declare as follows:

2 1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP and counsel for
3 Defendant Apple Inc. in the above-captioned action. I have personal knowledge of the matters stated
4 herein and, if called upon to do so, I could and would testify competently hereto.

5 2. Attached as Exhibit A is a true and correct copy of the October 22, 2021, update on
6 Apple's Developer website entitled "App Store Review Guideline updates now available"
7 (<https://developer.apple.com/news/?id=4m3f5hbw>).

8 3. Attached as Exhibit B is a true and correct copy of a screenshot of a Tweet posted by
9 Tim Sweeney on September 10, 2021.

10 4. Attached as Exhibit C is a true and correct copy of excerpts from the transcript of trial
11 in this case.

12 5. Attached as Exhibit D is a true and correct copy of excerpts from transcript of the
13 September 28, 2020 hearing in this case.

14 6. Attached as Exhibit E is a September 1, 2021 press release entitled "Japan Fair Trade
15 Commission closes App Store investigation" ([https://www.apple.com/newsroom/2021/09/japan-fair-
16 trade-commission-closes-app-store-investigation/](https://www.apple.com/newsroom/2021/09/japan-fair-trade-commission-closes-app-store-investigation/)).

17 7. Attached as Exhibit F is an October 7, 2021, article published by CNBC entitled
18 "Developers are building ways to skirt Apple's cut of in-app purchases in preparation for new rules"
19 ([https://www.cnbc.com/2021/10/07/developers-building-ways-to-skirt-apples-cut-of-in-app-
20 purchases.html](https://www.cnbc.com/2021/10/07/developers-building-ways-to-skirt-apples-cut-of-in-app-purchases.html)).

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct.

23
24 Executed on October 29, 2021 at Washington, D.C..

25
26 By: /s/ Mark A. Perry

27 Mark A. Perry